

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED AFRICAN-ASIAN ABILITIES
CLUB, et al.,

Plaintiffs,

v.

LON ISAACSON, et al.,

Defendants.

No. 2:23-cv-02349-JAK (RAOx)

**ORDER RE TO SHOW CAUSE RE:
SUPPLEMENTAL JURISDICTION
OVER STATE-LAW CLAIMS**

1 Based on a review of the Complaint (Dkt. 1), the following determinations are
2 made:

3 The Complaint alleges violations of the Americans with Disabilities Act, 42
4 U.S.C. §§ 12101 et seq. (the “ADA”), the Unruh Civil Rights Act (the “Unruh Act”),
5 Cal. Civ. Code §§ 51-53, and other provisions of federal and California law.
6 Supplemental jurisdiction is the basis for the state-law claims. Dkt. 1 ¶ 3.

7 District courts may exercise “supplemental jurisdiction over all other claims that
8 are so related to claims in the action within such original jurisdiction that they form part
9 of the same case or controversy under Article III of the United States Constitution.” 28
10 U.S.C. § 1367(a). This “is a doctrine of discretion, not of plaintiff’s right.” *United Mine*
11 *Workers v. Gibbs*, 383 U.S. 715, 726 (1966). “In order to decide whether to exercise
12 jurisdiction over pendent state law claims, a district court should consider . . . at every
13 stage of the litigation, the values of judicial economy, convenience, fairness, and
14 comity.” *Nishimoto v. Federman-Bachrach & Assocs.*, 903 F.2d 709, 715 (9th Cir. 1990)
15 (citation omitted).

16 In 2012, California imposed heightened pleading requirements for Unruh Act
17 claims. Cal. Civ. Code § 55.52(a)(1); Cal. Code Civ. Proc. § 425.50(a). In 2015,
18 California also imposed a “high-frequency litigant fee” for plaintiffs and law firms that
19 have brought large numbers of construction-related accessibility claims. Cal. Gov’t Code
20 70616.5. As detailed in previous orders by this Court and other district courts in
21 California, these reforms addressed the small number of plaintiffs and counsel who bring
22 a significant percentage of construction-related accessibility claims. *E.g.*, *Whitaker v.*
23 *RCP Belmont Shore LLC*, No. LA CV19-09561 JAK (JEMx), 2020 WL 3800449, at *6-
24 8 (Mar. 30, 2020); *Garibay v. Rodriguez*, No. 2:18-cv-09187-PA (AFMx), 2019 WL
25 5204294, at *1-6 (C.D. Cal. Aug. 27, 2019). These statutes impose special requirements
26 for construction-related accessibility claims brought by high-frequency plaintiffs
27 pursuant to the Unruh Act. Because accepting supplemental jurisdiction over such claims
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1 would permit high-frequency plaintiffs to side-step those state-law requirements by
2 pursuing the claims in a federal forum, many district courts, including this one, have
3 declined to exercise such jurisdiction. *E.g.*, *Whitaker*, 2020 WL 3800449, at *6-8;
4 *Garibay*, 2019 WL 5204294, at *1-6.

5 A review of the docket in this District shows that, in the one-year period preceding
6 the filing of the Complaint, Plaintiffs have filed more than ten actions in which they have
7 advanced construction-related accessibility claims. In addition, Plaintiffs' counsel, David
8 C. Wakefield of Lightning Law APC, has represented at least ten individuals who appear
9 to be high-frequency plaintiffs in construction-related accessibility actions. In a
10 California Superior Court, Plaintiffs would be deemed high-frequency litigants.
11 Therefore, "California's recent legislative enactments confirm that the state has a
12 substantial interest in this case." *Perri v. Thrifty Payless*, No. 2:19-CV-07829-CJC
13 (SKx), 2019 WL 7882068, at *2 (C.D. Cal. Oct. 8, 2019).

14 In light of the foregoing, Plaintiffs are **ORDERED TO SHOW CAUSE** why the
15 Court should not decline to exercise supplemental jurisdiction over the state-law claims.
16 Plaintiffs shall file a response to this Order to Show Cause, not to exceed ten pages, on
17 or before April 24, 2023. In responding to this Order to Show Cause, Plaintiffs shall
18 identify the amount of statutory damages they seek to recover. Plaintiffs shall also
19 present a declaration, signed under penalty of perjury, providing the evidence necessary
20 for the Court to determine if they meets the definition of a "high-frequency litigant" as
21 defined in Cal. Code Civ. Proc. § 425.50(b)(1) & (2). Failure to file a timely response to
22 this Order to Show Cause may result in the dismissal of the state-law claims without
23 prejudice by declining to exercise supplemental jurisdiction over them, pursuant to 28
24 U.S.C. § 1367(c). Defendant may also file a response to this Order to Show Cause, not to
25 exceed ten pages, on or before April 31, 2023. Upon receipt of the response(s), the
26 matter will be taken under submission, and a written order will issue.

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2 **IT IS SO ORDERED.**

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4 Dated: April 11, 2023



5 John A. Kronstadt

6 United States District Judge
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